

PAPER DETAILS

TITLE: The Impacts of the Contemporary Sunnah Approach on Politics, Law and Education in Modern Egypt

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Abstract*

Contrary to those who support the traditional idea of sunnah, reformists who adopt the contemporary understanding of sunnah have given more importance to the text analysis and criticism, meaning and interpretation of the narrations. These thoughts and actions of the reformist movement significantly affected many areas of social life. Thanks to their reformist structure, which caused them to focus on the issues that are closely related to the societies, they made suggestions and recommendations on many issues including politics, law and education. The ideas and discussions of the reformist approach about politics caused them to divide into two. While some said that religion does not claim to be a state, the others said that Islam has a state claim, though not in the form of a religious state, but in the form of an Islamic state, which is different from it in nature. The new situations brought by the modern age have made it necessary to make some legal reforms in Egypt. In this context, a rapid legislative work has been initiated. While these studies were being carried out, the field of shari'a law narrowed day by day with the influence of the West, and the modern legal system gained strength instead. However, the Azhar scholars did not take kindly to this work on the grounds that the new draft law did not comply with the Shari'a. In response to this attitude of the Azhar scholars, the state took the path of building local courts based on Western laws. However, some scholars have proposed to draft a new Islamic law that will be the result of collective work. While legal reforms and codification studies were carried out in Egypt, the role of sunnah in this context was discussed. In this context, discussions focused on the legal value of sunnah. Three main approaches are noteworthy in these debates in Egypt: 1- The approach that argues that sunnah has no legal value. 2- The approach that divides the Sunnah into two, one with legislative value and the other without it. 3- The approach that argues that the entire Sunnah has a legal value. The reformists attributed the backwardness of the Islamic nation to the fact that Muslims moved away from the mentality of criticism and adopted the spirit of imitation. They argued that a serious improvement should be made in the field of education in order to rectify this situation. In addition, the scientific and cultural exchange, realized thanks to the students sent by the state to the West, added a new dimension to education in Egypt. In this respect, improving and developing the level of education in Azhar and other institutions has become one of the priorities of the state and the reformist movement. Thus, they aimed to reduce the stagnation and bigotry that dominate educational institutions. Thanks to the efforts of the state and reformers, Dār al-Ulūm and Madrasat al- Qaḍā al-Shar'ī and various educational institutions were established to reform religious education, especially al-Azhar, and to update the curriculum in educational institutions. To this end, a number of laws have been enacted and put into practice. Reformists tried to convey their thoughts to the society through various means by forming public opinion in order to achieve the goal of change they desired in social life. His efforts in this context have sometimes been appreciated by various segments of society, and sometimes they have been subjected to severe criticism. The ideas of the reformist approach went beyond the borders and mostly affected the intellectual circles. Although it contributed to serious inquiries and some transformations, it could not achieve the expected effect in the eyes of the public due to various reasons.

Keywords: Hadīth, Sunnah, Politics, Law, Education.

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Özet**

Çağdaş sünnet anlayışını benimseyen ıslahatçılar, geleneksel sünnet düşüncesini savunanların aksine rivayetlerin metin tahlil ve tenkidine, anlam ve yorumuna daha fazla önem vermişlerdir. Islahatçı hareketin bu düşünce ve eylemleri sosyal hayatın pek çok alanını önemli ölçüde etkilemiştir. Toplumlara yakından ilgilendiren meselelere eğilmelerine sebep olan ıslahatçı yapıları sayesinde pek çok meseleyle ilgili öneri ve tavsiyelerde bulunmuşlardır. Bunların başında siyaset, hukuk ve eğitim gibi konular gelmektedir. Islahatçı yaklaşımın siyasetle ilgili düşünce ve tartışmaları kendi aralarında ikiye ayrılmasına neden olmuştur. Bir kısmı, dinin devlet iddiasının olmadığını söylerken diğer kısmı ise İslam'ın devlet iddiasının bulunduğunu ancak bunun din devleti şeklinde değil de mahiyet bakımından ondan farklı olan İslam devleti şeklinde olduğunu söylemiştir. Modern çağın getirdiği yeni durumlar, Mısır'da birtakım hukuki reformlar yapılmasını zorunlu hale getirmiştir. Bu kapsamda hızlı bir kanunlaştırma çalışması başlatılmıştır. Bu çalışmalar yapılırken Batının da etkisiyle şerî hukukun alanı gün geçtikçe daralmış ve onun yerine modern hukuk sistemi güç kazanmıştır. Ancak Ezher uleması yeni kanun taslağının şeriata uygun olmadığı gerekçesiyle bu işe sıcak bakmamışlardır. Ezher ulemasının bu tavrına karşılık devlet, Batı kanunlarını ölçü alan yerel mahkemeler inşa etme yolunu tutmuştur. Bununla birlikte bazı alimler kolektif çalışmanın eseri olacak yeni bir İslami kanun taslağının oluşturulması teklifinde bulunmuştur. Mısır'da hukuki reformlar ve kanunlaştırma çalışmaları yapılırken sünnetin bu bağlamdaki rolü tartışılmıştır. Bu kapsamda tartışmalar sünnetin teşriî değeri üzerinde yoğunlaşmıştır. Mısır'daki bu tartışmalar da üç temel yaklaşım dikkat çekmektedir. 1- Sünnetin teşriî değerinin olmadığını savunan yaklaşım. 2- Sünneti, teşriî değeri olan ve olmayan diye ikiye ayıran yaklaşım. 3- Sünnetin tamamının teşriî değerinin olduğunu savunan yaklaşım. Islahatçılar, İslam ümmetinin geri kalmasını Müslümanların tenkid zihniyetinden uzaklaşarak taklit ruhunu benimsemelerine bağlamışlardır. Bu durumun düzeltilmesi için eğitimi alanında ciddi bir ıslah yapılması gerektiğini savunmuşlardır. Bunun yanı sıra devletin Batı'ya gönderdiği öğrenciler sayesinde gerçekleştirilen bilimsel ve kültürel alışveriş, Mısır'daki eğitime yeni bir boyut kazandırmıştır. Bu açıdan Ezher ve diğer kurumlardaki eğitim düzeyini iyileştirmek ve geliştirmek devletin ve ıslahatçı hareketin öncelikleri arasına girmiştir. Böylece eğitim kurumlarına hakim olan durgunluk ve taassup olgusunu azaltmayı hedeflemişlerdir. Devletin ve ıslahatçıların çabaları sayesinde Dârü'l-Ulûm, Medresetu'l-Kadâi's-Şer'î vb. çeşitli eğitim kurumları kurulmuş, el-Ezher başta olmak üzere dini eğitimde reform yapmak ve eğitim kurumlarındaki müfredatı güncelleme çalışmaları hız kazanmıştır. Bu uğurda birtakım yasalar çıkarılarak uygulamaya konulmuştur. Islahatçılar sosyal hayatta arzuladıkları değişim hedefine ulaşmak için kamuoyu oluşturarak çeşitli araçlar vasıtasıyla düşüncelerini topluma ulaştırmaya çalışmışlardır. Bu bağlamdaki çabaları muhtelif toplum kesimleri tarafından kimi zaman takdirle karşılanmış kimi zaman da şiddetli tenkide maruz kalmıştır. Islahatçı yaklaşımın düşünceleri sınırları aşarak daha çok entelektüel çevreyi etkilemiştir. Her ne kadar ciddi sorgulamalara ve bazı dönüşümlere katkı sağlasa da muhtelif sebeplerden ötürü halk nezdinde umulan etkiyi gerçekleştirememiştir.

Anahtar Kelimeler: Hadis, Sünnet, Siyaset, Hukuk, Eğitim.

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Introduction

Various developments in the Islamic world, particularly those in Egypt, have brought about movements and scholarly figures who called for the reform of Islamic sciences, opposed imitation and struggled to revive critical perspectives. Naturally, this deeply affected the issues of Sunnah and was apparent in the works of many scholars, thinkers and activists. The heated debates on Sunnah and Hadith, which started in the 19th century and have reached the present day, have brought forth different perspectives on many issues. The works of scholars involved in such debates, along with the journals and newspapers they published, have been followed with interest in many parts of the Islamic world. Although the scholarly and intellectual efforts of the reformist movement are evaluated through the works of the scholars involved, the main point to be emphasized should be the reforms they have undertaken and the changes they have introduced into social life. This movement has been influential in the new laws enacted thanks to the relations such scholars established with politicians and the reformist efforts they put in to perform their duties. At the same time, how effective they are in social life can be clearly seen upon examining the pioneering roles they adopted, not only in the construction of higher education institutions and charitable organizations but also in the establishment of societies for convergence between religions and doctrines.

In this period which we call the modern period, a number of new ideas have been put forward about Sunnah which is the second source of religion. Generally, these ideas can be summarized as; prioritising the practical Sunnah, subjecting all the narrations to text criticism in addition to the chain of narrators (sanad) criticism except the ones transmitted as successive (mutawātir) even if they are in the sound Hadith books, considering the contemporary acquis and modern science, the distinction between custom and worship, as well as the difference between form and purpose, the protection of the reason-revelation integrity, the observance of the attributes of human beings and prophets and whether the Sunnah has a legal value in determining religious decrees or not. It is possible to call these new ideas as the contemporary understanding of Sunnah and those who defend these ideas as reformers.

The Egypt-based reform movement has significantly contributed to modern Islamic thought. It is critically important to recognize the reformists' thoughts about and actions on various walks of social life, the solutions they have offered for the problems they identified, and the reflections of their efforts in the society. Although these reformists share similar perspectives on many issues, they hardly hesitate to adopt opposing opinions on a variety of issues. Therefore, it is equally important to identify the similarities and differences among the ideas and solutions they offer about politics, law and education. This study aims to address the views and suggestions of reformist and rational approaches to the understanding of Sunnah in such aspects of social life as politics, law and education, and provides an overview of discussions on these issues. While prioritising the views of the reformist and

rational approaches, the study also mentions various opposing perspectives and makes a comparison between them.

No independent work has been found that comprehensively deals with the effects of those who adopt the contemporary understanding of Sunnah on social life in Egypt. Therefore, their approaches on this subject will be attempted to be determined by applying to the work(s) of each opinion holder.

1. The Impacts on Politics

Most parts of the Arab world, except for Northwest Africa, had been under Ottoman rule until the 20th century. Since the beginning of the nineteenth century, many Arab countries had started to gain their independence, due to national motives and the encouragement of the West. By the second half of the twentieth century, most Arab countries had been liberated from colonialism and had turned into national states ruled by traditional royal families, emirates or military elites that were mostly totalitarian and authoritarian. Reform movements and rational approaches have begun to contemplate issues related to modern political thought. In the case of Egypt, the earliest pioneers of reform, such as Jamāl al-Dīn al-Afghānī (d. 1897) and Muhammad ‘Abduh (d. 1905) began to defend the idea of the Islamic Union. Although they criticized some of the actions of the Ottoman State, they called for the defense of the caliphate. Some people, such as Rashīd Ridā (d. 1935) and Abd al-Razzāk Ahmad al-Sanhūrī (d. 1971) continued to advocate the idea of caliphate, albeit in a different way. Later scholars supported the idea of Islamic state, rather than the idea of caliphate. The ideas and actions of the reformists formed the core of subsequent political movements. Therefore, it would not be wrong to note that the Muslim Brotherhood movement was also affected by the reformist movement. This is because Ahmad Amīn (d. 1954) has the following to say about the impact of the reformist movement on politics: “Most of those who called for religious, political or social reforms after Muhammad Abduh were his students or friends who were influenced by him”.¹

Contrary to this mainstream perspective, there were supporters of the rational approach who objected to the idea that religion and the caliphate produced the idea of state. A leading example is Alī Abd al-Rāziq (d. 1966), the author of the book "*al-Islām Wa-usūl al-Hukm*". The ideas he defended in his book sparked off reactions among scholarly circles, particularly those at al-Azhar, and led to serious debates. People like Muhammad Bakhit al-Mu‘tī (d. 1935), Muhammad al-Khidr b. al-Husayn, al-Tāhir Ibn ‘Āshūr (d. 1973) and Muhammad ‘Imāra (d. 2020) tried to refute his claims. Another scholar who argued that religion cannot have the purpose of establishing a state is Khālīd Muhammad Khālīd (d. 1996), the author of the books

¹ Ahmad Amīn, *Zu‘ama’ al-Islah fi’l-‘asr al-hadīth* (Cairo: Maktaba al-Nahda, 1948), 337.

"*Min Hunā Nabd*" and "*al-Dimoqratiyyat al-Abadan*". The books of both authors were confiscated, and an investigation was launched against them, and they faced strong criticism from al-Azhar scholars.

Although reformist and rational approaches had rather different ideas about political issues, they also expressed similar opinions on various issues.² While many opposed the notion of the religious state known in the West, they defended the idea of a modern Islamic state and civil administration. Although they differ in their ideas about issues related to the nature of the Islamic state, they have adopted the same stance on issues such as opposing tyranny and political oppression and fighting injustice against societies. Globally considered, the thoughts and claims of the rational approaches in Egypt focus on two points: the approach that does not offer an idea of a religious state³, and the approach that emphasises an Islamic state, rather than a religious one, which is different from the former in its nature. According to the approach introduced by such scholars as 'Alī 'Abd al-Rāziq, Faraj Fūda (d. 1992), Khālīd Muhammad Khālīd and Muhammad Saīd al-Ashmawī (d. 2013), religion does not entail a state, so the notion of Islamic state is not a decree of religion. According to 'Alī 'Abd al-Rāziq, an examination of the Prophet's hadīths reveals that only leadership, allegiance, community and so forth are mentioned in them, and unlike what is claimed, these do not mean to replace him in terms of deputizing and ruling. He notes that the authenticity of the hadīths on this issue is controversial, yet even if all of them were considered authentic, these concepts do not have the assumed meanings when considered from the perspective of the language of religion as they are subject to semantic shifts. He states that those who view the caliphate as a religious belief or an Islamic ruling cannot present such narrations as evidence.⁴

Faraj Fūda claims that what is called the Islamic caliphate is actually a caliphate of Arab-Quraysh origin, and that its connection with Islam is only in name. He argues that the claim to resurrect the caliphate is more closely connected with the approach of Arab nationalism and the call for Arab unity than the claim to establish a religious and Islamic state. He further argues that Islam is not a state but a religion, so the idea of state imposes a burden on Islam and does not add anything to it, but on the contrary, undermines it.⁵

² For more information, see Hafijur Rahman, *Modern İslami Siyasal Düşüncede Devlet Kavramı: Yusuf el-Karadâvî ve Raşid el-Gammuşî'nin İslam Devletine Yönelik Yaklaşımları* (Ankara: Gazi University, Institute of Social Sciences, Ph.D. Dissertation, 2020), 55-80.

³ Also see Fahrettin Dede, *İngiliz İşgali Sonrası Mısır'da Siyasi ve Fikrî Yapılanma* (Sakarya: Sakarya University, Institute of Social Sciences, Master's Thesis, 2019), 71-82; Fatih Tiryaki, "Modern Mısır Düşüncesinde Hilafet Tartışmaları" *Uluslararası Politik Araştırmalar Dergisi* 1/1 (2016), 13-25.

⁴ 'Alī 'Abd al-Rāziq, *al-İslām wa Usūl al-Hukm* (Beirut: al-Muassat al-Arabiya lil-Dirasat wa al-Nashr, 2000), 124-126; for detailed information, see Recep Rüzgaresen, *Modern Dönemde İslam'da Devlet Tartışmaları (Ali Abdurrazzık ve Muhammed Ziyaüddin er-Reyyis Örneği)*, (Bingöl: Bingöl University, Institute of Social Sciences, Master's Thesis, 2021), 65-117.

⁵ Faraj Fūda, *al-Haqīqa al-Ghā'iba* (Cairo-Paris: Dār al-Fikr li'd-Dirāsati wa'n Nashr wa al-Tawzi, 1988), 133.

Khālid Muhammad Khālid claims that the Prophet's duty was not kingship, but it was limited to prophecy and he was a guide and had nothing to do with administration. He acknowledges that the Prophet conducted negotiations, made treaties, led the army and exercised many of the powers possessed by rulers. He states that some of the caliphs after the Prophet also built justice-based administrations with a wide and overwhelming influence. However, he states that all these can hardly mean that religion brings about an indispensable form of governing which it deems essential or considers one of its pillars. He further notes that the main purpose of all governments is to protect the social benefit of the Ummah, and religion will appreciate and approve of this.⁶ Believing that religion is the eternal truth that does not change and that the state refers to systems that continuously develop and change forever, Khālid argues that religion is not inferior to the state, and therefore, it cannot be transformed into a state. He firmly opposes the idea of an Islamic or non-Islamic religious state on the grounds that the state can be subject to criticism, collapse, defeat and exploitation with its ever-changing systems, and that it is not right to expose religion to such negativity.⁷ In his work *al-Dawla fi'l-Islam*, Khālid Muhammad Khālid explains the reasons why he gave up some of his ideas. He states that his previous thoughts stemmed from two misconceptions or overgeneralizations. The first is that he had been influenced by the Western readings about religious state, and he had extended this concept to Islamic state. However, he also states that, although there might sometimes be political oppression and persecution in an Islamic state, this is not built upon the same basis as in the claim that the church in the West enjoys divine authority. He further states that there are serious differences between these two states in terms of their structures. The second is due to an erroneous generalization caused by the anxiety and fear created in the society by the clandestine structure that flourished in the Muslim Brotherhood and became involved in violence with the strengthening of this movement. Then he elaborates on the structure of the Islamic state.⁸

Muhammad Sa'īd al-Ashmawī introduces the concept of "the rule of Allah" and notes that this concept refers to sovereignty that is reserved for Allah only. Al-Ashmawī states that Allah is the sole ruler who rules the community in this form of administration; He sometimes rules humans directly by enforcing the laws by Himself, and sometimes He governs them indirectly without intervening in an occurrence. Al-Ashmawī notes that there is no difference between the Qur'ān (the literal revelation) and the Sunnah (the spiritual revelation) in terms of being the bases of law in Allah's governance. He further stresses that the absolute ruler is Allah in this governance, and the Prophet only realizes his will, and therefore, obedience to

⁶ Khālid Muhammad Khālid, *Min huna nabda'* (Beirut: Dār al-Kitāb al-Arabī, 1974), 177-178.

⁷ Khālid, *Min huna nabda'*, 180.

⁸ For more information, see Khālid Muhammad Khālid, *al-Dawla fi al-Islām* (Cairo: Dār al-Mokattam, 2004), 11-161.

the Prophet is obedience to Allah; conversely, disobedience to him is considered rebellion against Allah. He lists the features of such an administration as follows:

1. The ruler is chosen by Allah, and the selected person is referred to as a prophet. Those who are governed have no choice but to believe in Allah and His Messenger and to be content with His decree. Because they believe that the Prophet depends on Allah through constant revelation, they must accept him as their arbiter under all circumstances.

2. Governing is based on a set of provisions that the ruler and the ruled accept. In this respect, it does not resemble arbitrary regimes imposed by oppression and authority. So, it is a government of mutual consent, not a government of coercion.

3. In this administration, consultation is not a condition that constrains the Prophet; on the contrary, it is a supporting tool given to him as he rules with the light of Allah.

4. The governing rights of the Prophet remain limited to himself and are not inherited by anyone else.⁹

He states that there is nothing in the Qur'an and hadiths regarding how to identify the governing system after the death of the Prophet. Otherwise, the Companions would have definitely used it in the caliphate discussions, but no information about this has reached today.¹⁰ Therefore, he argues that the Islamic caliphate is actually a civil form of government and is not commanded in the Qur'an and Sunnah, and its form is not specified.¹¹ Al-Ashmawī asserts that politics is not the whole life itself but a part of it, so being involved in politics cannot be obligatory. He notes that governance is a human issue that has nothing to do with religion; it is a worldly matter just like shopping and similar activities. He further claims that the discourses of political Islam consist entirely of ideological approaches and are hardly acceptable.¹²

The majority of those who support the idea of the state in Islam believe that religion encompasses all aspects of life, including the state, and they generally reach a consensus on the idea of an Islamic state, although they have different ideas as to how it should operate in practice. Opposing the idea of a Western-style religious state, the supporters of this perspective distinguish between the Islamic state and the religious state and argue that these two notions are different from each other. However, they also demand that the Islamic state should be adapted to our current concerns.¹³ It is important to mention the thoughts of a few of those with this perspective to further clarify the issue. Proponents of this perspective usually

⁹ al-Ashmawī, *Usūl al-Sharī'a* (Cairo: Maktaba Madbouli, 1983), 139-149.

¹⁰ al-Ashmawī, *al-Islam al-Siyāsī* (Cairo: Maktabat Madbuli al-Saghir, 1996), 201.

¹¹ al-Ashmawī, *al-Khilāfah al-Islāmiyya* (Cairo: Sina li'n-Nashr, 1989), 23.

¹² al-Ashmawī, *al-Islām al-Siyāsī*, 297-301.

¹³ Muhammad Rashid Ridā, *al-Khilāfah* (Cairo: Hindawi, 2013), 68-69.

distinguish between the political actions of the Prophet and his actions guided by revelation, thereby distinguishing the religious from the secular.

‘Abd al-Muta‘l al-Sa‘dī (d. 1966) stresses that it is a right for Muslims to participate in administrative processes and notes that Islam commands consultation. He contends that Islam, unlike other religions, has both religious and political aspects and that politics stems from the essence of religion, and it is, therefore, the right of every Muslim to take interest in it. This is essential, not only for promoting consultation but also for avoiding an autocratic government. He also stresses that there must be a limit to public participation so that it does not turn into anarchy. He notes that Mu‘āwiya's forcing his people to obey his son Yazīd could be considered a very dangerous turning point for Islam. He claims that this paves the way for tyranny by taking away people's right to choose their ruler. He adds that people hardly play a role, due to inheritance of power from father to son, and the whole process evolves into formal obedience. He argues that the pledge of allegiance that Yazīd received with the support of his father is invalid. He holds the view that allegiance can only be received upon free will and choice and that the Ummah has the right to dismiss the ruler.¹⁴

‘Abd al-Razzāq Ahmad al-Sanhūrī argues that pure reason will naturally create the idea of state and administration regardless of its form, whereas religious evidence will necessitate a government that bears the characteristics of the caliphate. He states that the primary source of these proofs is *ijmā‘* and claims that rational evidence ensures the development of the caliphate, while the *Sharī‘a* evidence helps preserve its characteristics.¹⁵

‘Alī al-Hafif (d. 1978) states that since the Prophet was an obeyed ruler and commander, his actions varied when they were outcomes of the environment in which he lived and when they were not performed based on an unchangeable decree. He states that it is the Prophet himself who took such actions for a specific purpose, so they could change over time under different conditions. He says that such a change is the goal itself but refers to the change of means. He states that the form of government that existed simply in its primitive form during the time of the Prophet and was suitable for that period might come in different forms in current conditions. He also states that the main purpose of state administration is to pursue public interest, such as maintaining the public order, doing practices for the benefit of the citizens, collecting taxes, distributing them properly among the citizens, spending

¹⁴ ‘Abd al-Muta‘l al-Sa‘dī, *Kaḍīyyatu Mujahidin fi ‘l-Islah* (Egypt: Matba‘at al-I‘timād, n.d.), 67-75.

¹⁵ ‘Abd al-Razzāq Ahmad al-Sanhūrī, *Fiqh al-Khilafah* (s.l.: Muasasat al-Risala, 2000), 84-85; for more information, also see Seracettin Eraydın, *İslam Hukuku Açısından Son Dönem Hilafet Tartışmaları* (İzmir: İzmir Katip Çelebi University, Institute of Social Sciences, Master's Thesis, 2018), 36-70.

them to cover necessary expenses, establishing armies, equipping and training them.¹⁶

Muhammad al-Ghazālī (d. 1996) states that the caliphate is a spiritual and civil authority that deals with administrative issues and is completely different from monarchy in modern constitutions.¹⁷ He states that, in Islam, the caliphate is considered as an administrative body that deals with worldly and religious affairs on behalf of prophecy, and in this respect, the caliphate is a spiritual and civil leadership, its conditions are not found in anyone other than a few highly talented and perfect people. He stresses that these abilities and traits cannot be proved, neither by reason nor by textual evidence, to belong to a single race or family. So, no one can monopolize this leadership. He says that Islam endorses the principle of financial inheritance, while it strongly rejects the idea that spiritual or civil leadership can be transferred through inheritance.¹⁸

Jamāl al-Bannā (d. 2013) states that there is no doubt as to the necessity of the Islamic state and that there will be no need to even discuss it because such a judgment can be reached from the Qurʾān itself. He maintains that the first Islamic state was founded by the Prophet, and the issue of ijtihād is not the Islamic state itself, but rather the way it is put into practice. He claims that the way in which the Islamic state was governed was mostly determined by the Prophet himself; it is based on the ijtihād of the Prophet. He also notes that there is a consensus among Islamic jurists that the doings he carried out as a ruler are not binding, and that this should not be confused with the issues of tabligh.¹⁹ He stresses that claims such as the lack of the notion of state in Islam and the impossibility of bringing together Islam and state do not reflect reality. This is because the Prophet established and ruled the state and then the Rashidun Caliphs followed what he did. Al-Bannā claims that this experience made substantial political contributions to later forms of government.²⁰ He notes that the state theory of Islam must be established in line with the Qurʾān and the hadith, and belief in Allah must constitute the essence and priority; otherwise, it cannot be considered Islamic. He states that no objection can be raised against the inclusion of a rational and scientific approach in the overarching framework of faith. It is the very duty of Muslim scholars to reject a principle or rule that clearly contradicts reason, and this is what Islam orders. He states that it should not be considered strange that the state theory of Islam is called Islamic or that verses and hadiths are apparent. He states that what should be considered strange regarding the theory of Islamic state is that it is weak and is based on some traditional mindsets. He claims that the theory of the state in Islam should be based on the

¹⁶ Alī al-Hafīf, "al-Sunnah al-Tashriyat", *al-Majalla al-Muslim'ī Muasir* 0/78 (1995), 128.

¹⁷ Muhammad al-Ghazālī, *al-Islam wa'l-istibdad al-Siyasi* (Cairo: Nahdat Misr, 2005), 49.

¹⁸ Ghazālī, *al-Islam wa'l-istibdad al-Siyasi*, 176-178.

¹⁹ Jamāl al-Bannā, *Mas'ūliyyat fashal al-Dawlah al-Islāmiyyah* (Cairo: Dār al-Fikr al-Islāmi, 1994), 9.

²⁰ Bannā, *Mas'ūliyyat fashal al-Dawlah al-Islāmiyyah*, 12.

Qur'ān itself and it is essential to accept the Qur'ān, rather than the Sunnah, as the basis. He finally adds that some Islamist thinkers are mistaken because they rely primarily on the Sunnah, and similarly their predecessors depend on rulings which reflect their own time.²¹

Muhammad 'Imāra classifies the Sunnah into two parts: legislative and non-legislative. He claims that the Prophet did not act purely based on revelation in all matters related to politics, war, economy and the administration of the Islamic state, so such actions of his were not the outcomes of revelation. He argues that new provisions can be made in such issues based on ijtihād.²²

Yūsuf al-Qaradāwī (d. 2022) argues that Islam does not propose a religious form of government like the God-church state, familiar to Western societies. On the contrary, it adopts a civil Islamic government which is elected by the nation and is based on Islamic references in its laws and decisions, along with its domestic and foreign policy.²³ According to Muhammad Salīm al-'Awā, one of the well-known jurists of Egypt, also states that the Rightly-guided (Rashidun) Caliphate was a system created by the Companions to govern the state, and while doing this, they followed the ideal set by the Prophet under the presidency of the Islamic state. Al-'Awā also states that the caliphs did not have a specific system they followed, and they acted according to ijtihād on this issue.²⁴

The weakening of the Ottoman state and the subsequent abolition of the caliphate fueled the debates on whether the caliphate is necessary or not. Are the narrations about the Imamate universal or historical? Are the terms set forth binding or not? Should the Caliph be from Quraysh? Answers to such questions as "Can a woman be head of the state?" were sought based on narrations and led to heated debates. In general, although the reformist approach was inclined towards the idea of caliphate, it posited that the Islamic state could replace it. It also suggested that, although the wider framework of state administration in Islam is established, it does not specify the details of the administration and the Islamic state is quite different from the religious state in nature. In short, with the establishment of the understanding of the nation-state, the idea that the caliphate is an unattainable goal in practice has become a mainstream perspective day by day. Moreover, introduced by the translation of the books by Mawdūdī (d. 1979) and further developed by Sayyid Qutub (d. 1966), issues such as the theory of domination became a major topic of debate. As a result, the nation state did not suffer from issues of religious legitimacy. However, although in theory, it seems to have solved major political issues related to modern states such as democracy, freedom, justice and human

²¹ Bannā, *Mas'ūliyyat fashal al-Dawlah al-Islāmiyyah*, 30.

²² Muhammad 'Imāra, *Haqai'q wa-shubuhāt hawla al-sunnah al-nabawiyah* (Cairo: Dār al-Salām, 2010), 48.

²³ Yūsuf al-Qaradāwī, *Min Fiqh al-Dawla fi'l-Islām* (Cairo: Dār al-Shurūq, 2001), 74.

²⁴ Muhammad Salīm al-'Awā, *al-Fiqh al-Islamiyya fi Tariq al-Tajdid* (Cairo: al-Safir al-Duwaliyah wa-al-Nashr, 2006), 100.

rights, it has not fully succeeded in practice. Therefore, issues such as the Islamic state, religious state and secularism have always been hotly debated in Egypt, and they continued to be top items on the agenda, particularly after the Arab Spring. However, secularism, which occupied the agenda, did not lead to radical changes in Egypt. Religious movements, particularly the Muslim Brotherhood and al-Azhar, have had a leading preventive role in this.²⁵ Such as a case has continued not only because the seemingly civilian military administrations strengthened authoritarianism by disrupting the political reforms, but also because the political fiqh in the Islamic tradition failed to update itself and to distinguish between what is political and what is religious.

2. The Impacts on Law

Legislation efforts have held a special place among Egypt's reforms in the field of law. Although the factors such as the pressure of the West and Egypt's relationship with it influenced this, these efforts were further supported by the legal need, developments in social and economic life, the reform efforts of the ruling elite, the weakening of the Ottoman State and reformist ideas.²⁶ Due to such factors, the scope of Shari'a law has shrunk over time and the modern legal system, created with the influence of the West, has gained strength. Although Khedive Ismā'il Pasha (d. 1879) asked the al-Azhar scholars of the time to prepare draft laws in accordance with Islam and the conditions of the day, they were hardly inclined towards doing this, on the grounds that such an act would not comply with the Shari'a. Due to the attitudes of some of al-Azhar scholars, the state preferred to establish local courts based on Western laws. The efforts and reform calls made by Muhammad 'Abduh and his students have opened the door to some positive developments in the field of law, al-beit partially.²⁷ Even a hadith-oriented figure like Ahmad Shākir (d. 1958), who was influenced by reformist perspectives, complained about the spirit of imitation and suggested drafting new Islamic laws that would be the outcome of collective work. He stated that the following points should be considered to achieve this:

1. Establishing a council of leading jurists and religious scholars to create new provisions of law.

²⁵ Umut Turgut Yıldırım, "Laiklik ve Din-Devlet İlişkisi Bağlamında Türkiye, Fransa ve Mısır: Karşılaştırmalı Bir Analiz", *Pamukkale Üniversitesi Sosyal Bilimler Enstitüsü Dergisi*, 41 (2020), 564-579.

²⁶ Muhammed Hamidullah Ağrakça, *19. Yüzyıl Mısır'ında Kanunlaştırma Hareketleri* (İstanbul: Marmara University, Institute of Social Sciences, Ph.D. Dissertation, 2011), 139-151; Ayhan Ceyhan, "Osmanlı Döneminde Mısır'da Hukuki Modernleşme (XIX Yüzyıl)", *Türk Hukuk Tarihi Araştırmaları Merkezi* 5 (2008), 65-86.

²⁷ Muhammad Rashīd Ridā, *al-Manār* (Cairo: Matba'at al-Manār, 1904), 7/212-220; Tariq al-Bishri, *al-Wad' al-qānūnī al-mu'āsir bayna al-sharī'ah al-Islāmīyah wa-al-qānūn al-wad'ī* (Cairo: Dār al-Shurūq, 1996), 39-68.

2. In the process of drafting the new laws, the council prioritise the Qur'ān and the Sunnah, without adhering to any perspectives, views or madhabs.

3. The council has access to the opinions of all imams and jurists, the rules of procedure and the opinions of lawmen.

4. This council makes provisions that are not only accurate in terms of fiqh but also suitable for the conditions in which people live and in agreement with the rules of the Qur'ān, Sunnah and the pillars of religion.

5. Having enough council members and dividing the council into sub-committees.

6. The Supreme Council specifies the main principles and methods, besides its allocating tasks among the sub-committees.

7. The Supreme Council reviews and edits the data collected by the sub-committees and transforms them into legal texts.

8. Presenting these texts to the entire Ummah to promote research and scholarly criticism.

9. The establishment of a common methodology to help the Supreme Council make decisions by examining the issues of *usūl al-fiqh* and *usūl al-hadīth* in depth, either on its own or together with its sub-committees.

10. Examining the meaning relations that facilitate accurate comprehension of meaning in Arabic, such as *haqīqat-majaz*, *'umūm wa-khusūs*, *sārikh-mu'awwal*, *mufassar-mujmal* and the examination of other procedural issues such as *qiyās*, *istihsān* and *masālih al-mursalah*.

11. Making a distinction between sound hadīths that can function as evidence and the weak ones that cannot count as evidence, not only by examining the rules of criticism of hadīth and narrators but also by investigating the narrations in terms of both their *sanad* and *matn*.

12. Considering such practices of the Prophet as *fatwā*, *tablīgh*, *imāmate* and *qadā* and paying attention to the differences between them.

13. Distinguishing between the Prophet's hadīths intended for *tablīgh*, which have a general and legislative characteristic from and the hadīths considering the general interest of the people.

14. The council considers the issue of *ta'arud* and precedence of the evidence.

15. Establishing a common methodology and accepting the rules that are the basis of different madhabs after being tested using not only the Qur'ān and the Sunnah but also the general rules set forth by the Supreme Council.

16. Benefiting from different types and forms of human-made laws that comply with the Qur'ān, Sunnah and rules of Islamic law and are beneficial to the public.

17. After these rules are well-established, it is possible to divide the fiqh issues among the sub-committees and to reach more accurate judgments by applying the accepted rules to secondary issues.²⁸

As the legislative Sunnah formed the basis of legislation, the debates in Egypt have often focused on this issue. Three major approaches stand out in this regard:

- A. The argument that Sunnah has no legal value.
- B. The approach that divides the Sunnah into two parts (with and without legal value).
- C. The argument that all the Sunnah has a legal value.

The reformist approach divided the Sunnah into two categories as the legislative and non-legislative Sunnah; it considered not every Sunnah as a source of legislation. In other words, by classifying the Prophet's Sunnah in terms of its being binding or not, it posited that Sunnah is either the product of revelation or the outcome of ijtihād. Reformists claimed that the doings of the Prophet based on ijtihād are often considered as maslaha, and even those that are based on revelation are divided into sahih, hasan or weak. Therefore, considering the intended purpose of the Prophet's behaviour and actions, they supported the idea that some of his actions are binding, while others are not.

In contrast with this approach, there are two major opposing trends. The first opposes the idea of legislative and non-legislative Sunnah distinction, on the grounds that all Sunnah entails legality as it is the outcome of revelation, and therefore all Sunnah requires action. Failing to take into account the time and space factor, this approach considers the experience-based behaviour of the Prophet as religiously binding. This approach posits that all the provisions made by the Sunnah are equally binding for all times and places, and since they are considered sahih, they cannot be changed or invalidated regardless of the intentions and justifications. The second is the idea that the legislative Sunnah of the Prophet is purely related to the human aspect. According to this perspective, the conditions of the historical period are considered. So, the provisions of the Sunnah do not need to be applied. Moreover, they cannot be generalized because they are related to personal and distinct cases, and they cannot be acted solely on the based upon conjectural evidence, just as in creed.²⁹

²⁸ Ahmad Muhammad Shākir, *al- Kitāb wa-al-sunnah yajibū an yakūnā masdar al-qawānīn fī Misr* (Cairo: Dār al-Kutub al-Salafiyya, 1986), 44-48.

²⁹ For more information, see Murat Şimşek, *Hiz. Peygamber'in İctihad ve Tasarrufları* (Ankara: TDV pub., 2011).

The practices of the Prophet might differ, and it may be difficult to determine issues such as how to differentiate between the *sahih*, *hasan* or *weak* in the religion and whether the rationale for the provisions is clear or not. However, it is an undeniable fact that such a distinction has existed since the earliest periods of Islam, and retaining the flexibility of the religion depends on making this distinction. In addition, religion, being eternal and universal and social needs, being bound to change force us to make such a distinction. Moreover, different jurisprudence approaches on this issue are not external or coerced. It is seen that such inherent differences in understanding and interpretation were naturally known by the creator of the religion. The Prophet, who had the authority to make provisions, deliberately maintained this flexibility by considering the changing conditions.³⁰ One could possibly see approaches similar to these traditional ones in Sunnah studies in Egypt. In this respect, various examples are provided below to reveal how these different perspectives approach to legislation.

2.1. The Argument that Sunnah has no Legal Value

Considered as the most important scholarly figure in the Arab world in the field of law, 'Abd al-Razzāq Ahmad al-Sanhūrī assumes an undeniable role in drafting the civil codes of Egypt and many Arab countries. According to him, for the Islamic Shari'a to develop and regain the strength it enjoyed in the past, it is necessary for Islamic jurists and lawmen to cooperate. Thus, modern conditions can be considered, and emerging needs can be met. However, he states that through such scientific developments, legislators appreciate the Islamic Shari'a, and thus, provisions that are compatible with the most developed legal principles can be made out of the shari'a law. He claims that the Islamic Shari'a can only be renewed through the source of *ijmā'*, which should be the official source of legislation.³¹ He draws attention to the distinction between *sahih* and *weak*, religious and secular, along with the gradual transitions in legislation.³²

Ahmad Afandi Safvet (d. ?)³³ says that as the Qur'an is the book of Allah, all Muslims must follow it, and it contains every provision. He notes that what is not mentioned in the Qur'an is left to the free disposal of individuals, and administrators

³⁰ Also see Şimşek, Hz. Peygamber'in İctihad ve Tasarrufları, 371-376.

³¹ 'Abd al-Razzāq Ahmad al-Sanhūrī, *İlm usūl al-qānūn* (Egypt Matba'at al-Fath Allāh Ilyas al-Nūrī wa al-Awladi, 1936), 68-69.

³² For more information, see Murteza Bedir, "Abdurrezzāk Ahmed es-Senhūrī", *İslam Hukuku Araştırmaları Dergisi* 6 (2005), 439-448; Murteza Bedir, "Abdurrezzāk Ahmed Senhūrī", *Türkiye Diyanet Vakfı İslam Ansiklopedisi*, (İstanbul: TDV pub., 2009), 36/523-525.

³³ Rashīd Ridā states that Ahmed Efandi Safvet, who was a prosecutor in the Dilanjat District, prepared a draft law and distributed it to many of the lawyers of Alexandria under the chairmanship of Attorney Anton Bey Salama. Rashīd Ridā opposes this draft in *al-Manār* and notes that it is necessary to take a stand against these jurists, whom he calls "Westerners". Ridā, *al-Manār*, 20/404-408.

can make necessary legal arrangements for the benefit of people in this regard. He says that since the Prophet was not only the ruler but also judge of the Ummah, when he was asked about the ruling of an issue, he declared the ruling about it. He states that these provisions were sometimes related to special cases of individuals and sometimes established a general rule or provision. He claims that the latter is performed by a person who has the legislative power to make laws, so this power is valid for legislators in every era and may vary. He states that the Sunnah is either related to individual cases and naturally turns into a judicial decision, or it is a rule or legal provision that concerns the general public and is made into law by the administrator of a particular time period. Therefore, he argues that later rulers could rearrange or completely abolish such provisions, in line with the benefit of people. He notes that this is not related to religious issues but limited to worldly ones. Abandoning something that is a part of the Sunnah, with a view to considering the interests of people, is not considered disobedience to the Prophet. Ahmad Afandi Safvet also adds that if the Prophet lived in this century, his Sunnah would change, and he would not offer his opinion unless specifically requested. He argues that any provision that is not in the Qur'an will not be obligatory; sunnah or ijma' outside the Qur'an is only permissible and is up to the individual. That is, he can apply this provision if he wishes or can abandon it if he thinks that it is not for his own benefit.³⁴

Muhammad Tawfiq Sidqi (d. 1920) says that it is not permissible to act upon presumption in Allah's Shari'a, except in cases of necessity. He states that in some judicial decisions, it is possible to be obliged to act upon presumption based on the rule "Cases of necessity make prohibitions permissible", but it is not permissible to call what is halāl as harām or vice versa based on evidence that includes presumption. He states that anyone who puts the doubtful evidence before the definitive evidence undoubtedly commits a major sin.³⁵ He says that Islam consists of the Qur'an and the ijma' of the predecessors and successors of Muslims on issues of deeds and creed. He states that the "qawli" Sunnah is not included in this because there is no consensus on it. He goes on to claim that worldly issues such as the amount of hadd punishments, zakat and fitr alms, which are not mentioned in the Qur'an, are not included, either. He states that in such issues, different practices can be followed when deemed necessary.³⁶

Muhammad Sa'id al-Ashmawī notes that those who claim that āhād hadīths entail performing religious duties and obligations put forward such a claim not only because they confuse the concepts of fard and wājib, but also because these concepts are unestablished, and their framework is not fully clear. Moreover, he states that not adopting a holistic perspective and a critical approach is highly influential in such an

³⁴ Ahmad Afandi Safvet, *Bahsun fi Qaidat al-Islah Qanun al-Ahwal al-Shahsiyya li'l Mahakhim al-Shari'a* (Alexandria: Jarji Garzûzî, 1917), 22-23.

³⁵ Muhammad Tawfiq Sidqi, *Majalla al-Manār* (Cairo: Matba'at al-Manār, 1908), 11/694.

³⁶ Sidqi, *Majalla al-Manār*, 10/140.

idea. As a result of all these, he claims, confusion and uncertainty occurred in Islamic fiqh, which in turn affected Islamic thought and its realisations in daily life. He says that because of this, they consider jihad, headscarf and politics to be fard. He thinks that those who learn about such religious obligations would think that they were made obligatory by Allah or revealed through mutawātir hadīths. This would completely change religious concepts and fards, causing people not only to confuse the doubtful words with those the Qurān but also to add personal opinions to the Sharī'a. He claims that this will lead to deeming something to be obligatory although it was not made obligatory by Allah, and the āhād hadīths, which are not muhkam but express conjecture, become equivalent to Qur'ānic text and definite religious decrees. He states that it is possible to re-evaluate the āhād hadīths, and this means that the issues that are historically related to the period of the Prophet and his society can be disregarded.³⁷

2.2. The Classification of Sunnah into Two (Legislative and Non-Legislative)

Muhammad Rashīd Ridā claims that it is not true to turn conjectural texts expressing prohibition into general provisions and to deem the entire Ummah responsible for them. He says that this issue will be left to the ijtihād of the people who will act according to it; those who decide that the evidence indicates harām will stay away from the related act, and people who think that it hardly bears this meaning will act according to al-ibaha al asliyya.³⁸

Mahmud Shaltut (d. 1963) argues that those, who do not accept the Sunnah and āhād hadīths as the source of Sharī'a, act contrary to ijmā'. He states that the existing allegations and suspicions are of no value as Muslims accept the narrated hadīths as the basis of the related rulings. He also adds that the uninterrupted practice from the time of the Prophet to the present clearly shows this. He also states that, just as the mutawātir Sunnah is regarded as proof, what Muslims have followed for generations has the same force of law as mutawātir, so all authentic hadīths, whether practical or religious, should be accepted as a basis for provisions.³⁹ Shaltut stresses that the legislative Sunnah and the non-legislative Sunnah are distinguished from each other, and the legislative Sunnah encompasses beliefs, morals and practical rules. He states that most of the issues of regulation of worship and human relations, identification of rights, and making a judgment between people are determined by hadīths, which are viewed as the second source of Sharī'a following

³⁷ Muhammad Sa'īd al-Ashmawī, *Haqiqat al-Hijāb wa-Hujiyyat al-hadīths* (Cairo: Maktaba Madbouli al-Saghir, 1995), 97-100.

³⁸ Muhammad Rashīd Ridā, *Tafsīr al-Manār* (Cairo: Dār al-Manār, 1947), 2/332.

³⁹ Mahmud Shaltut, *al-Islām 'Aqīda wa-Sharī'a* (Cairo: Dār al-Shurūq, 2001), 497-498.

the Qur'ān. Scholars examine narrations and deduce judgments from them, and they use hadīths to explain the decrees pointed out by the Qur'ān.⁴⁰

‘Abd al-Mun‘im Ahmad al-Nimr (d. 1991) states that the Prophet sometimes acted upon ijtihād, which was based provisions of the Qur'ān and was intended to protect the public interest. He claims that not all hadīths are revelations but some of them are the products of ijtihād. Since the Prophet made some judgments about the everyday practices in Medina, people claim that these issues may be subject to ijtihād again due to temporal and locational changes, particularly when the Prophet's intended benefit regarding such ijtihād hadīths is not realized.⁴¹

‘Abd al-Muta‘l al-Sa‘īdī claims that the hadd punishments do not necessarily entail wujub; in some cases they can express ibāha. He states that, on the condition that the hadd punishments remain unchanged and are not denied, the authorities may impose various deterrent punishments by considering the time, place and conditions of the day, through ijtihād in some cases. Al-Sa‘īdī states that there is practical evidence supporting this, and it is a rule not to apply the hadd punishments in cases of doubt. He further argues that the hadd punishments are considered as the upper boundary and different punishments may be considered appropriate in different cases.⁴²

Citing an example of the narrations regarding the budding of a date tree, ‘Alī al-Hafif says that the Prophet offers opinions and makes evaluations about world affairs through his ijtihād and that he could not go beyond offering his own opinion, so he was hardly different from other people in this regard and could make mistakes. He claims that it is, therefore, possible for a person to have more experience than the Prophet about a particular issue. However, he also states that it is important to make an accurate distinction between what is legislative and entails action and what is non-legislative in the worldly affairs, and being able to make such a distinction depends on ijtihād.⁴³

‘Abd al-‘Azīz Jāwīsh (d. 1929) claims that the impeccability of the prophets is limited only to the sharī‘a law they conveyed from Allah, and in this respect, the issues reported from the Prophet, such as the worldly affairs, crafts and medicine, are not binding because they cannot be regarded as revelations.⁴⁴ However, Jamāl al-Bannā emphasizes that the verses of the Qur'ān mention the necessity to obey the Prophet and his feature of being a good example besides his duty of tabligh. He states that the Sunnah, distinct from hadīth, constitutes all of the behaviour of the Prophet

⁴⁰ Shaltut, *al-Islām ‘Aqida wa-Sharī‘a*, 505.

⁴¹ ‘Abd al-Mun‘im Ahmad al-Nimr, *al-Ijtihād* (Cairo: *al-Hayāt al-Misriyyah al-‘Ammat al-Kitāb*, 1987), 40.

⁴² ‘Sa‘īdī, *Kadīyyatu Mujahidīn fi’l-Islah*, 125-140.

⁴³ ‘Alī al-Hafif, *al-Sunnah al-Tashriyat*, 124.

⁴⁴ ‘Abd al-‘Azīz, Jāwīsh, *al-Islām di n al-fitrah wa-al-hurriyah* (Cairo: Dār al-Hilal, 1952), 55.

in his life and is classified into three: The first is the Sunnah related to human relations and life; the second is related to worship, and the third is related to administration and politics. Al-Bannā says that all three kinds of Sunnah of the Prophet are based on the Qur'ān, the revelation of the Sunnah or the Prophet's own ijtihād. He claims that the aim pursued in all these cases is to briefly explain the content of the Qur'ān and to implement its decrees. In the light of the teachings of the Qur'ān, all types of Sunnah surround the lives of Muslims and shape their behaviour. Al-Bannā also highlights that the problems were solved by this means during the time of the Prophet, so no distinction is made between the types of Sunnah. Al-Bannā states that practice and explanation are the same as tabligh, and one cannot claim that the Prophet, who had various qualities and virtues, was not imitated by Muslims and that his Sunnah, which illuminated their path, was not followed.⁴⁵

Muhammad 'Imāra states that the existence and non-existence of provisions are decided based on illa if the verses are conceivable in terms of Islamic Sharī'a and Islamic approach; that is, if they are related to the material world and are on issues that the mind itself can comprehend, and if the provisions are related to wisdom and the purpose of existence are absolutely not saḥīḥ. He says that what is intended is not the provisions themselves but the desired benefit in such cases. He further claims that the actual purpose is not the verses themselves; the real goal that the Sharī'a aims to achieve is the benefit of humans.⁴⁶ He stresses that a common ground should be sought to evaluate the Sunnah, and the Sunnah should be differentiated in terms of its being saḥīḥ or weak. He notes that traditional Sunnah, non-legislative Sunnah and acts specific to the Prophet should all be considered as changing Sunnah. He, therefore, states that an essential distinction should be made not only between the Prophet's performing or abandoning an action but also between unchangeable worship and changing practices. Similarly, the things he abandoned due to a religious prohibition should be differentiated from the cases in which he abandoned something as it was not considered necessary at that time.⁴⁷

Muhammad al-Madani (d. 1968) states that the position of religion in everyday life is basically different from its position in creed and worship. He claims that the Sharī'a does not build the forms of exchange, cooperation and relationships among people; Sharī'a had already existed before the religion was sent. This means that religion did not lay the foundations of these or specify or even enumerate its features but only adopted a position of affirming, correcting and cancelling. Al-Madani argues that religion is heavily involved in human relations so as to preserve ideals and principles, such as justice, making things easier, compassion, eliminating the

⁴⁵ Jamāl al-Bannā, *al-Sunnah wa al-Dawrah fi'l-Fiqh al-jadīd* (Cairo: Dār al-Fikr al-Islāmī, n.d.), 169-173.

⁴⁶ Muhammad 'Imāra, *al-Sunnah Tashrī'i wa al-Sunnah Ghayr Tashrī'i* (Cairo: Nahdat Misr, 2001), 98; *Ma'alim al-Manhaji al-Islam*, (Cairo: Dār al-Salam, 2008), 114.

⁴⁷ Muhammad 'Imāra, *Haqai'q wa-shubuhāt hawla al-sunnah al-nabawiyah* (Cairo: Dār al-Salām, 2010), 44-45.

causes of strife and hatred, connecting the members of society with the bond of love, solidarity in goodness and piety, and not backing each other up in evil deeds and sin. He notes that, according to the history of Islamic law, when the Prophet arrived in Medina, he met a community that had markets where they shopped in particular ways. He claims that it was not the Prophet who built the markets in the name of religion, and Allah did not send any verses on this matter, either; the only thing that was done was to arrange and sort them out.⁴⁸ He argues that the position of the Prophet in issues of everyday life is not a constructive one. Similarly, he claims that the Prophet did not assume an informative role, such as telling people "Some act like this, and you act like them or Allah commands you to...". Al-Madani, therefore, states that the Prophet was sent not to destroy or build certain relations, but to apply the principles laid down by his Lord and also to regulate trading and interpersonal relations based on the norms of morality and virtue.⁴⁹

2.3. The Approach Positing that all Sunnah has a Legislative Value

Most traditional approaches do not find such a distinction accurate and suggest that all the Sunnah has a legal value. They also try to refute the evidence offered by the rational approach. In this context, Musa Shahin (d. 2009) claims that the entire Sunnah is legislative as Islamic scholars have not exhibited contradictory views on this issue for fourteen centuries. He notes that he has hardly seen or heard an Islamic scholar who distinguishes the Sunnah as legislative or non-legislative. He claims that the first person to express this was Mahmud Shaltut.⁵⁰ Fathi 'Abd al-Karīm claims that he opposes the division of Sunnah into two parts as legislative and non-legislative and notes that the proponents of this idea are inconsistent in terms of form and content. He states that, methodologically considered, the criterion that led to this distinction after the death of the Prophet cannot be determined. Fathi 'Abd al-Karīm does not accept that the words and actions of the Prophet are subject to this distinction, and he believes that the entire Sunnah is a revelation or has the ruling of revelation. He notes that the verse "The Prophet does not speak of his own whims"⁵¹ expresses a general meaning. He states that, although whether the pronoun in the verse "It is only a revelation sent down 'to him'" refers to the Qur'an or the Prophet himself is controversial, it is more accurate to assume that it refers to the Prophet. He states that since the Prophet was impeccable and did not speak as he wished, all his Sunnah was a revelation or had the ruling of revelation.⁵²

⁴⁸ Muhammad al-Madani, *Wasatiyyah al-Islam* (Cairo: Dār al-Bashir, 2016), 127-128.

⁴⁹ Muhammed al-Madani, *al-Muhadarat al-Āmma* (Cairo: Matba'at al-Azhari, 1961), 8-10.

⁵⁰ Musa Shahin Lashin, "al-Sunnah Kulluha Tashriyyun", *Journal of Faculty of Sharia* (Qatar: Qatar University, 1992), 10/ 58.

⁵¹ al-Najm, 53/3-4.

⁵² Fathi 'Abd al-Karīm, *al-Sunnah Tashri'i lazim wa-da'im* (Cairo: Maktabat Wahba, 1985), 28-31.

In brief, the following evaluations can be offered: The Islamic world's encounter with the West and its underdevelopment in many areas have brought about reform efforts and reformist movements. The reforms introduced by Mehmet 'Alī Pasha in Egypt formed the infrastructure of not only law but also the field of education. Besides these reforms, students who were sent to the West on state scholarships returned to Egypt and began to transfer their knowledge and experience in various fields, and this led to various of new developments. In this context, a synthesis was made; it was inspired by the laws enacted in the Ottoman State and the West, as well as the customary and shari'a law. At first, although the state decided to regulate the areas other than civil code in line with the Western law, it attempted to strike a balance between Islamic law and Western law, thanks to schools established by reformists, such as *Madrasat al-Qada' al-Shari'*.⁵³ On the other hand, such issues as the classification of the Prophet's doings from a legal lens and the value of his Sunnah in terms of legislation became the focus of attention among reformists. Thus, they have significantly contributed to the efforts to bring these issues to the agenda and systematizing them. The legislative value of Sunnah is what the reformist approach particularly focuses on, and dozens of books have been written and discussions have taken place on this issue.

The emergence of different approaches regarding the practices of the Prophet should be considered natural. This is because such different approaches have been observed since the time of the Companions. Therefore, religious scholars, have managed to overcome many problems by classifying the practices of the Prophet. It is a fact that, besides revelation, the Prophet acted upon *ijtihad* on some issues. In this respect, the assumption that the Prophet solved all issues through revelation is erroneous and counterfactual, and it renders him completely ineffective. Moreover, this contradicts the duty of truly conveying and further explaining what is revealed to him. In this context, it is clear that the Prophet might be wrong in his *ijtihad* on worldly issues, and it might not always be possible for his *ijtihad* be definitely corrected in every case. Moreover, although the words and behaviour of the Prophet regarding his prophethood are binding, it is important to understand them based on some criteria. In this respect, it is difficult to determine the scope of the Prophet's doings, but this is basically a matter of *ijtihad*, and there is no harm in scholar's offering different evaluations.

As mentioned earlier and as can be understood from the debates on the legislative value of Sunnah in Egypt, there are three approaches to the legal value of Sunnah: The first is the approach adopted by those who firmly reject the legal value of Sunnah. This approach runs counter not only to the essence of prophecy but also to the reality. The second approach claims that the entire Sunnah has the quality of legality. It is seen that this approach is not only formalistic and dull but also fails to

⁵³Also see Muhammad 'Abd al-Wahhāb Ganim, *al-Madrasat al-qada' al-shari' al-fikr al-islamiyya al-mu'asir* (Istanbul: Dār al-Maqāsid, 2018), 13-14.

take into account maqāsid. The third approach claims that some of the Sunnah is legislative, while the other is non-legislative. This approach not only complies with the continuity and universality of religion but also prioritises maqāsid. Therefore, the religious foundations of the third approach seem to be more rigorous.

3. The Impacts on Religious Education

Since it would be beyond the scope of the present study to discuss the details of the educational processes in Egypt⁵⁴, this chapter addresses reformists' thoughts on religious education in general and their evaluations and recommendations about hadith in particular. What changed the course of education in Egypt were the reformist vision of Mehmet 'Alī Pasha, his relations with the West, and particularly the scientific and cultural exchange realized thanks to the students he sent to the West. On the other hand, reformists considered that the most important reasons underlying the underdevelopment of the Islamic Ummah were Muslims' being away from the mentality of criticism and having a spirit of imitation. They thought that this could only be solved by improving education. Therefore, improving education at al-Azhar and in other educational institutions was among the priorities of the state and the reformist movement.⁵⁵ In fact, their efforts included attempts to reduce the stagnation and bigotry that dominated the educational institutions of the time. For this purpose, thanks to the efforts of the state and reformists, Dār al-'Ulūm, al-Madrasat al-Qada' al-Shar'i and similar educational institutions were established; more and more effort was put in to restructure religious education, particularly at al-Azhar and to update the curriculum in educational institutions. Therefore, laws were enacted, and some of these laws were put into practice. Unfortunately, the resistance of some circles to these efforts for change led to failure in achieving the desired result.

In fact, some influential people who were not accustomed to change attempted to hinder these efforts at every opportunity. Similarly, some of al-Azhar scholars, who resisted these efforts for the revival and renewal of Islamic sciences, tried to sabotage these efforts by inviting the rulers of the period to take action. Unfortunately, they were relatively successful in this, as well. However, despite all the pressure, some scholars who had been educated at al-Azhar supported these improvement efforts and did not refrain from struggling for this cause. In addition, various educational institutions, such as the Faculty of Dār al-'Ulūm, contributed to the reform of traditional education by spending a lot of effort to achieve this. Thanks to the efforts of these and similar institutions, scholarly diversity and different perspectives were brought to the agenda, and many innovations related to religious

⁵⁴ For further discussions on the academic life in Egypt, see also Zekeriya Güler, *Hadis Tetkikleri* (İstanbul: İFAV pub., 2015), 315-334.

⁵⁵ For more information, see Mustafa Kırkız, "El-Ezher Özelinde Klasik Ve Modern Eğitim", *Din bilimleri Akademik Araştırma Dergisi* 14/1 (Kasım 2014), 167-189; Hamid b. Sadiq al-Jammal, *al-Ittijahat al-Fikr al-Islami al-Mua'sir fi Masr*, (Riyadh: Dār 'Ālam al-Kutub 1994), 1/245-251.

and worldly education were introduced.⁵⁶ Even though these reforms bear the traces of the relationship with the West, it would be inaccurate to say that these reforms, which contributed to the modernization of Egypt, are entirely the output of this relationship. Although reformists opposed the colonialism of the West, they adopted a different attitude towards the accumulation of scholarly knowledge obtained from the West. While some were willing to accept all this knowledge, others tried to be selective.⁵⁷

Muhammad ‘Abduh argues that teachers should receive hadīth education, providing that the hadīths interpret and explain the Qur’ān. At the same time, he states that weak hadīths that are contrary to the Qur’ān should be removed and that the hadīths that are apparently contradictory should be checked against the Qur’ān by *ijtihād*, even if they are authentic.⁵⁸ According to Muhammad ‘Abduh, it is regrettable that there was no regular instruction in the classes at al-Azhar; the assignments given to the students were not monitored; the teachers did not care about whether the students continued their education, understood the subject matter and whether their morals improved or not. He says that the students did not receive any advice from their teachers that would improve their religion and world; on the contrary, under the influence of their teachers, they began to bear grudges against their brothers who thought differently; heedlessness dominated their minds, and they began to believe in every claim that nourished their bigotry. He states that even those who were diligent spent most of their time trying to understand the useless discussions of later scholars; they hardly went beyond learning some issues of *fiqh* and creed, and they did this with an approach that would not bring them closer to the truth but take them away from it. He also claims that most of their knowledge was about things that were added to the religion later and the things whose benefits were not hoped for and whose harms were not feared.⁵⁹ ‘Abduh makes the following comments about the education of women. He states that a veil was drawn between women and the knowledge they should have in their religious and daily lives, and it was not certain when this veil could be removed. He states that it was not even an option for women to fulfil any *fard* other than prayer and fasting and to learn a belief.

Rashīd Ridā notes that from the beginning of the eighth century Hijri to the end of the tenth century, the quality of education at al-Azhar and other schools in Egypt was of good quality, but it later deteriorated quickly. He claims that the most important reasons for this deterioration include the following: holding discussions

⁵⁶ ‘Alī al-Muhafaza, *al-ijtiḥād al-fikriyya inda al-Arabi fi ‘asr al-Nahda* (Beirut al-Ahliyyah li-n Nashr wa-t Tawzi’, 1987), 203-235.

⁵⁷ Muhāfaza, *al-ijtiḥād al-fikriyya inda al-Arabi fi ‘asr al-Nahda*, 236-243; For more information, see Ahmad Izzat ‘Abd al-Karīm, *Tarikh al-ta’lim fi-Masr* (Cairo Maktaba al-Nasr, 1945), 3-286.

⁵⁸ ‘Abduh, Muhammad. *al-a’mal al-Kamilah li’l-Imam al-Sheikh Muhammad ‘Abduh*, (Cairo-Beirut: Dār al-Shurūq, 1993), 3/85.

⁵⁹ ‘Abduh, *al-a’mal al-Kamilah li’l-Imam al-Sheikh Muhammad ‘Abduh*, 3/116.

about the expressions used by scholars through texts, commentaries, annotations and taqrir during the education; the preference for works of the later scholars, rather than those of earlier scholars; asking the students to study the annotations written by later scholars, along with the attempts to use taqrir to clarify the issues that are not understood in the annotations. He states that for three centuries, no independent scholars, like those of the first or middle centuries, were raised in any branch of science at al-Azhar. He claims that in the last few centuries, the hadīth sciences at al-Azhar have weakened and begun to disappear, and there have been no good teachers who could be of service to the students or no students who could benefit from them. He claims that the scientific level at al-Azhar has gradually decreased in line with the overall decrease in the level of knowledge, and this is not noticed due to the low level of knowledge of the people.⁶⁰ He says that before Jamāl al-Dīn al-Afghānī came to Egypt, al-Azhar's educational method was to make students accept everything in the textbooks; it entailed unconditionally accepting what the teachers said regardless of whether they understood it or not. He states that the method of religious, scientific and mental education that Muhammad 'Abduh received from his teacher, al-Afghānī, is not to accept anyone's word blindly, but to understand it, to be convinced by the evidence, and to make a distinction between the words of the impeccable Prophet and those of others. 'Abduh also states that, in the textbooks of al-Azhar and elsewhere, there are perspectives that contradict perfectly accurate information, and that there are issues which run counter to information that could be perceived by the senses. He states that students or other people see problematic issues in tafsīr books and hadīth commentaries, and these issues cannot be solved by scholars. One could realise that some of the answers given in these sources are not convincing. He says that al-Azhar scholars accuse those who, despite seeing al-Tahāwī's (d. 933) book *Sharhu Mushkil al-Athār*, find the hadīths in the Sahīhayn problematic, which all the hadīth imams accept as authentic. 'Abduh says that, in this respect, although students try to solve such problems, they state that they do not dare to ask their teachers about such problems, except for a very small number of them, in order not to be accused of blasphemy.⁶¹

The letter of Muhammad Zāhid al-Kawtharī (d. 1952) entitled "Revival of Hadīth Sciences at al-Azhar", which he wrote upon the request of the al-Azhar sheikh Mustafa 'Abd al-Razzāq (d. 1947), is remarkable. We can briefly summarize what al-Kawtharī wrote in this letter. He offered some recommendations about the following issues: al-Azhar should be preferred as the place for education; the textbooks should be gathered in the library and presented to researchers; al-Kutub al-Sittah and other hadīth books, along with the commentaries and hadīth method, should be taught by experts; courses should be offered to teach not only fake and mursal hadīths but also the science of jarh and ta'dīl (evaluation and criticism); the hadīths used as evidence

⁶⁰ Muhammad Rashīd Ridā, *al-Manār wa'l-Azhar* (Egypt: Matba'at al-Manār, 1933), 7-8.

⁶¹ Ridā, *al-Manār wa'l-Azhar*, 19-20.

by the fuqahā' should be taught; orientalist should be given responses through the methods of 'ilm al-rijāl, and conferences on various subjects of the science of hadīth should be organized.⁶²

'Abd al-Mutaā'l al-Saī'dī states that the reform was carried out with the efforts of Muhammad 'Abduh, who had devoted a great deal of effort to this cause for ten years. Despite this, 'Abduh thinks that all these efforts are not enough to end the stagnation at al-Azhar and to help the Muslims to flourish. Al-Saī'dī reports Muhammad 'Abduh's words about al-Azhar: "I've planted a seed at al-Azhar; either this seed sprouts and bears fruits that nourish the soul and mind, so that al-Azhar leads a new life, or Allah completely destroys this place." He also cites a dialogue between Muhammad 'Abduh and Muhammad al-Bihiri. In defence of the education system at al-Azhar, Muhammad al-Bihiri said: "We teach them the way we have learned".

- Muhammad 'Abduh: "That's what I'm afraid of!"

- al-Bihiri: "Didn't you study at al-Azhar and reach this scholarly level there?"

Muhammad 'Abduh: "If I have been blessed with true knowledge as you have mentioned, it has only been possible by wiping away al-Azhar's dirt sticking in my mind for ten years. However, I have not yet achieved the cleanliness I desire."⁶³ According to 'Abd al-Mutaā'l al-Saī'dī, most of this generation raised by Muhammad 'Abduh consisted of people who had not been educated at al-Azhar.⁶⁴

'Abd al-Mutaā'l al-Saī'dī criticizes hadīth education at al-Azhar. He states that in hadīth readings, reading al-Bukhārī and Muslim should not suffice; the hadīths in other hadīth books should also be known. This is because the need for them might be greater, and it would be more beneficial to focus on hadīths in other hadīth books instead of wasting time by reading repetitive hadīths in the Sahihayn. He states that the hadīths that are repeated in the Sahihayn should be skipped and brought together to those in other hadīth books. Moreover, it is necessary to mention the different versions of each hadīth, so that comparisons could be made to learn the preferred hadīth in this way. He notes that there is no point in studying sanad of hadīths; memorizing information about sanad will not be beneficial in our age, and you will no longer need it; instead, the books of jarh and ta'dīl can be read, together with biographies. This could give the students the opportunity to distinguish sound hadīths from the weak ones. In this way, those who want to invite others to bid'a and deceive them by means of religion will be prevented from doing so. He emphasizes

⁶² Muhammad Zāhid al-Kawtharī, *Maqālāt al-Kawtharī* (Cairo: al-Maktaba al-Tawfiqiyya, n.d.), 481-490; for the translation of the article, see, Muhammad Zahid al-Kawthari, "Ezher'de hadis ilimlerinin ihyası", trans. Harun Reşit Demirel, *Yüzüncü Yıl Üniversitesi Sosyal Bilimler Enstitüsü Dergisi* 16 (2009), 130-141.

⁶³ 'Abd al-Muta'al al-Sa'idī, *Tārīkh al-Islāh fi'l-Azhar* (Egypt: Matba'at al-I'timād, n.d.), 64-65.

⁶⁴ Sa'idī, *Tārīkh al-Islāh fi'l-Azhar*, 65.

that those who are occupied with hadīths should be familiar with such terms as naskh and mansūkh, as well as weak and forged hadīths, so that they can respond accurately when they are asked a question; otherwise, no matter how many hadīths they read or memorize, it will be of no value.

He claims that by adopting a new perspective on hadīth, a critical outlook should be used in cases where criticism is essential, and this should be done in cases that require reference to modern science. Al-Ghazālī (d.1111) says that, based on his astronomical knowledge, he does not accept additional information related to the phrase "When Allah manifests itself in a thing, it submits to him"⁶⁵ in the hadīth of khusuf (solar eclipse), the narrators of which he quoted. He states that Ibn Qayyim attributed the hadīth about the absence of a contagious disease to the ijtihād of the Prophet, and Ibn Qayyim's words also contradicted medical facts. He claims that the knowledge of astronomy and medicine is more reliable, robust and more credible in the eyes of today's people than those that lived in the past.⁶⁶

Ahmad Amīn states that al-Azhar education reform initiated by Muhammad 'Abduh could not reach the desired level or something similar but produced a small number of intellectuals who adopted his principles and views.⁶⁷ He states that those who sought religious, social or political reforms after 'Abduh were either his students or his friends who were influenced by him.⁶⁸ Ahmad Amīn reports that, upon seeing the state of education at al-Azhar, 'Alī Pasha Mubarak (d. 1893) planned to establish a new school in which the best teachers of al-Azhar and other educational institutions would serve, and the best students of al-Azhar, selected through exams, would receive education. At this school, as 'Alī Pasha Mubarak planned, the students would receive education not only on religious and language sciences but also on worldly sciences, such as mathematics, geography, history, nature and chemistry. He states that Dār al-'Ulūm originated from this thought.⁶⁹

'Abd al-Mun'im Ahmad al-Nimr says that religious education has been based on imitation as its method and has been delivered using it for centuries. He states that the students studying at al-Azhar were educated by asking them to join a madhab when they started school and to read the books of this madhab until the end of their lives. He states that the books taught were written hundreds of years ago and were not originally written for instructional purposes. Moreover, they relied on the presuppositions of a particular madhab rather than on evidence and involved

⁶⁵ Aḥmad ibn Shu'ayb ibn 'Alī ibn Sīnān al-Nasā'ī, *Sunan al-Nasā'ī*, ed. 'Abd al-Fattah Abū Ghuddah, (Aleppo: Maktab al-Matbū'āt al-Islāmiyya, 1984), "Khusuf", 3, (No. 1487).

⁶⁶ 'Abd al-Muta'āl al-Sa'īdī, *Nakd al-Nizām al-Ta'lim al-Hadīth al-Azhar al-Sharif* (Tanta: al-Matba'at al-'Umumiyya, n.d.), 141-143.

⁶⁷ Amīn, *Zu'ama' al-islāh fi-l-ʿasr al-hadīth*, 329.

⁶⁸ Amīn, *Zu'ama' al-islāh fi-l-ʿasr al-hadīth*, 337.

⁶⁹ Amīn, *Zu'ama' al-islāh fi-l-ʿasr al-hadīth*, 196.

nothing more than deciphering phrases. He claims that rote learning results in attributing holiness to what is mentioned in the books and promotes bigotry towards different perspectives. He states that the education they received hardly guided them to the first steps of being a scholar, and they just focus on what people say, but they are not interested in why they say it or what evidence they have about it. Although there were occasional people who overcame this atmosphere of bigotry, they were isolated and suppressed with various accusations. He claims that, besides the inappropriate method followed, the content of the textbooks was also problematic, and these works, which were complex and mysterious in their style, were written hundreds of years ago and appealed to the time in which they were written. He states that the authors did not write these works for students, so even if they were excused not to consider the level of the students, those who chose these books and ask their students to read them were not. He claims that it is pedagogically not appropriate to ask students to read complex and mysterious texts, only by looking at the volume of the work rather than its content, and then to continue this work with commentaries and annotations. He states that, in addition to the complicating characteristics of the instructional methodologies used, teaching students out-of-date issues also detached them from the realities of life, so it was a waste of time to teach such a curriculum. He asks why al-Azhar does not offer easier education with the same content to suit the conditions of the modern age, and he provides the answer that classical scholars see this as a way of ensuring divine gift and protecting the tradition. He states that it is unreasonable to have students in middle and high school read difficult texts, while university students study easier books written by their teachers. Al-Nimr particularly mentions the effort he put in simplifying fiqh books while he was the principal of al-Azhar's high school division.⁷⁰

Muhammad 'Alī Hille, a professor at the Faculty of Arabic Language at al-Azhar University, considers Muhammad 'Abduh the first pioneer in reforming, liberating and developing al-Azhar. He states that 'Abduh's student, Muhammad Mustafa al- Marāghī (1881–1945), developed al-Azhar and introduced modern sciences to it. He played a leading role in the construction of higher education faculties, and carried the public lectures delivered in mosques to faculty classrooms and lecture halls. However, these reforms unfortunately failed to bring about the necessary change. He states that the improvement efforts of these two imams could not touch the essence and remained formal. Therefore, they failed to introduce the necessary change at al-Azhar. He states that the dullness in al-Azhar's curricula and books could not be changed, and that the expected development and progress could not be achieved even though some changes took place.⁷¹

⁷⁰ Nimr, *al-Ijtihād*, 202-213.

⁷¹ Muhammad 'Alī Hille, *al-Azhar fi al-Arshif al-Misr* (Cairo: *Dār al-Kutub wa-al-Wassaiq al-Qawmiya*, 2015), 258.

In addition to what is noted above, it could be useful to emphasise the following information: Mehmed 'Alī Pasha's reforms mostly focused on the fields of public administration, military training and science. He did not attempt to undertake reforms in religious education as he was hardly interested in this field. However, reformists such as al-Hasan al-'Attār (d. 1834), Rifā'a al-Tahtāwī (d. 1873), Muhammad 'Abduh and Mustafa al-Marāghī, who were also al-Azhar sheikhs, put in a great deal of effort for the renewal of religious sciences. They introduced serious reforms to improve the educational system at al-Azhar and update it in line with the requirements of the day and to ensure that institutions of religious education attach importance to life sciences as well. They also made significant contributions to the establishment of the diverse educational institutions.

Those studying in the West came back to Egypt to work; translation activities gained momentum, and schools established in different domains of study provided education. All these seriously changed the course of education in Egypt. In this context, the establishment of schools such as Dār al-'Ulūm, Madrasat al-Alsun and al-Madrasat al-Qada' al-Sharī is remarkable. However, despite all these efforts, the traditional and conservative structure of al-Azhar hardly allowed such diversity. It was not inclined towards academic studies in favour of the contemporary understanding of Sunnah. On the contrary, it emphasized the defensive and traditional approaches. Although he did not allow the issues of the Sunnah to be addressed in a way that would lead to takfīr, he did not speak much about the approach of jarh and ta'dīl. Having an ancient tradition and a moderate structure, al-Azhar was expected to pave the way for free thought as well as curbing extreme approaches, but unfortunately it failed to adopt the necessary attitude in this regard. Due to this attitude of al-Azhar, the efforts to renew Islamic sciences initiated by the reformist movement often remained inconclusive and got weaker and weaker over time.

Those who adopted the reformist approach brought up such issues as the status of women, their participation in social life and their receiving education. This approach not only opposed the traditional perception of women and their status that stem from customs but also put in efforts to carry out reforms about them. They played an active role in solving such problems as women's obtaining their right to education and their participation in social life. The works entitled *Tahrir al-Mar'ah*; *Wa-al-Mar'ah al-Jadidah* by Qasim Amin (d. 1908) are critically important in this respect.⁷²

⁷² For more information, see Gülfem Kurt, *Kasım Emin ve Kadınların Özgürlüğü Bağlamında Eğitimle İlgili Görüşleri* (Ankara: Gazi University, Institute of Education Sciences, Master's Thesis, 2014).

Conclusion

It is quite natural that the reformist movement thoughts on Sunnah affect various areas of social life, such as politics, law and education. It is clear that different approaches on this issue hardly remain indifferent to the problems of Egyptian society and the Islamic world; they not only offer solutions for problems but also attempt to put these solutions into practice. In fact, although there are two major tendencies that adopt a defensive and critical approach to Sunnah, those with a critical point of view appear in a wider range and use a considerably wider variety of methods. As these approaches have different starting points and backgrounds, they naturally differ from each other. However, although their methods are basically different, the conclusions they have reached on some issues remain similar.

The works written by the reformists as well as the journals and newspapers they published have been followed with interest in many parts of the Islamic world and have attracted attention in academic circles. Thanks to the reformist efforts they expended while performing their duties and the relations they established with politicians, they were highly influential in the enactment of many reform laws. They played a key role in the establishment of higher education institutions and charitable societies. They undertook intense activities to promote convergence between religions and madhabs. Thus, although they influenced many walks of social life, they were unable to achieve the desired impact as they failed to overcome the resistant nature of conservative people. They have failed to transfer the success they achieved in the intellectual domain and science to such areas as politics and law. Since they could not eliminate the effects of traditional perspectives on society, it took a long time for them to disseminate their ideas and influence people's thoughts. Although they had difficulty in getting the masses of the people to accept their perspectives, they managed to influence various intellectual circles. Although their educational reforms paid off to a certain extent, these reforms failed to achieve permanent status.

In brief, although the thoughts and actions of the reformist approach paved the way for many changes, the broad masses of the people generally continued on their way unaware of this trend. The thoughts of this approach have attracted the attention of the readers, intellectual circles and appealed to them. Although this approach which became a target due to the black propaganda of some conservative circles contributed to social life; it, unfortunately, could not make the expected effect.

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